UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,850	01/22/2004	Edward O. Clapper	ITL.0273C1US (P7596C)	5876

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EXAMINER
PATEL, NITIN

ART UNIT	PAPER NUMBER
2673	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/762,850	CLAPPER, EDWARD O.
	Examiner	Art Unit
	Nitin Patel	2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 January 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☒ Claim(s) *22-24* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-24 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 6,704,007 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because Clapper Patent teaches a method based computing device that detecting the orientation of the display and based on the orientation of the display changing the characteristic or axis or the display, and also changing the degree of the display such as 90 or 180 with orientation of the display to adjust characteristic of the display.

As per claim 1,Clapper teaches a method of displaying information on a processor-based system comprising (In Col.6 lines 6-7): detecting the orientation of a display coupled to the system (in Col.6 lines 9-12); and changing a characteristic of the information displayed on said display in response to the detected orientation of the

display (In Col.6 lines 13-15 information to be displayed in a different format equivalent

of changing the characteristic of the data or information on display).

As per claim 2, Clapper teaches including detecting the angle of the display with

respect to the rest of the processor-based system and changing the aspect ratio of

characters displayed on the display in response to the detected orientation of the

display (in col.6 lines 9-16).

As per claim 3, Clapper teaches changing a characteristic includes changing the

orientation of information displayed on said display (in Col.6 lines 33-36).

As per claims 4,5,12,13 Clapper teaches including rotating the information

displayed on the display approximately 90.degree. in response to a displacement of

said display of approximately 90.degree and rotating the information displayed on said

display by a approximately 180.degree. in response to a displacement of said display of

approximately 180.degree (three accelerometer sensing the orientation any direction

could have in different degree of angles In col.6 lines 12-16).

As per claim 6, Clapper teaches changing a characteristic includes automatically

changing said characteristic in response to the detection of the orientation of said

display (In col.6 lines 9-10).

As per claim 7, Clapper teaches changing a characteristic includes selecting a

program for operation based on the orientation of the display (In Col.6 lines 13-16).

As per claim 8, Clapper teaches changing a characteristic includes utilizing

display orientation as a software input command (in Col.

As per claim 9, Clapper teaches a medium for storing instructions that cause a

processor-based system to: detect the orientation of a display coupled to said system; and change a characteristic of the information displayed on the display in response to the detected orientation of the display (software stored on a storage media such as memory In col.6 lines 13-15).

As per claim 10, Clapper teaches storing instructions that cause a processor-based system to detect the angle of the display with respect to the rest of the processor-based system and change the aspect ratio of letters displayed on the display in response to detected orientation of the display (in col.6 lines 7-15).

As per claim 11, Clapper teaches storing instructions that cause a processor-based system to change the orientation of information displayed on the display (In Col.6 lines 13-17).

As per claim 14, Clapper teaches storing instructions that cause a processor-based system to automatically change a characteristic in response to the detection of the orientation of the display (in col.6 lines 9-13).

As per claim 15, Clapper teaches storing instructions that cause a processor-based system to select a program for operation based on the orientation of the display (In Col.6 lines 9-14).

As per claim 16, Clapper teaches storing instructions that cause a processor-based system to use a signal indicative of the orientation of a display as a software input command (in col.6 lines 32-35).

As per claim 17, Clapper teaches a processor-based system comprising: a processor; storage coupled to said processor; a circuit that produces a signal indicative

of the orientation of the circuit, said circuit coupled to said processor; and software stored on said storage to cause information to be displayed in different formats depending on the orientation of said circuit (In col.6 lines 7-18).

As per claim 18, Clapper teaches the circuit includes an accelerometer (In col.6 lines 11-13).

As per claim 19, Clapper teaches the accelerometer senses accelerations in at least two transverse axes (in col.6 lines 28-31).

As per claim 20, Clapper teaches the accelerometer senses accelerations along at least three transverse axes (in Col.6 lines 13-15).

As per claim 21, Clapper teaches including a display and a housing including a keyboard, said housing hingedly connected to display (In col.6 lines 19-22).

The system of claim 22 wherein said display has a longer and a shorter axis, and said software changes the way information is displayed between a first orientation where information is displayed along the longer axis and a second orientation which information is displayed along the shorter axis.

As per claim 23, Clapper teaches information is displayed in one of at least two orientations along the longer axis, each orientation inverted with respect the other (in col.6 lines28-31).

As per claim 24, Clapper teaches software changes the aspect ratio of information displayed on said display based on the angle of said display with respect to said housing (in col.6 lines 13-19).

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1,3,4,5,7-9,11-13,15-17 are rejected under 35 U.S.C. 102(e) as being

anticipated by Nagasaki et al., (U.S. Patent No. 5,936,619).

As per claim 1, Nagasaki teaches a method of displaying information on a

processor-based system comprising (In Fig.1 element 106 and In Col.36 lines 19-22):

detecting the orientation of a display coupled to the system (In Fig.3); and changing a

characteristic of the information displayed on said display in response to the detected

orientation of the display (In Col.3 lines 18-23).

As per claim 3, Nagasaki teaches changing a characteristic includes changing

the orientation of information displayed on the display (in fig.4f-4g).

As per claims 4-5,12,13 Nagasaki shows rotating the display in 90 degrees and

180 degrees (in fig.4f-4g shows the display been changed up to 360 degrees).

As per claim 7-8, Nagasaki teaches including selecting a program for operation

based on the orientation of the display (In col.3 lines 18-36) and display orientation as a

software input command (In Col.4 lines 3-13 different way of program command to tilt or

orientation of display with characteristic).

Claim 9 is rejected same as above rejected claim 1, because claim 9 is nothing

but how the method claimed of claim 1 is operated in memory media.

As per claims 11,15 Nagasaki teaches instruction that causes a processor based

system to change the orientation of information displayed on the display (in col.3 lines

18-33).

As per claim 16, Nagasaki shows a processor based system to use a signal

indicative of the orientation of a display as software input command (in fig.19 different

command as a Sig.a= high and b-d are high elements 1904-1906).

Claim 17 is rejected same as above claim 1, Nagasaki teaches a processor (in

fig.1 element 106) and storage coupled to the processor (element 107) and a circuit that

produce a signal indicative of the orientation of the circuit, the circuit coupled to the

processor (in fig.19 elements1904-1906 routine of software done by CPU element 106

In fig.1) and software stored on the storage to cause information to be displayed in

different formats depending on the orientation of the circuit (in Fig.1 element 108 and In

col.3 lines 18-33).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 2,6,10,14,18-20,21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Nagasaki (U.S. patent No. 5,936,619) in view of Martinez et al., (U.S.

patent No. 6,137,468).

As per claims 2,10 Nagasaki teaches displaying information on a processor-

based system comprising (In Fig.1 element 106 and In Col.36 lines 19-22): detecting

the orientation of a display coupled to the system (In Fig.3); and changing a

characteristic of the information displayed on said display in response to the detected

orientation of the display (In Col.3 lines 18-23). Nagasaki does not show detecting an

angle of the display with respect to the system.

Martinez shows detecting the angle of the display to the rest of the display

system (in Fig.7 element 700 which determination a tilt or angle in which side the

display is rotated In col.5 lines 7-22). It would have been obvious to one of ordinary skill

in the art, at the time of the invention was made to have incorporated the teaching or

Martinez with display system of Nagasaki's because it would have navigate a user to

which way the image or data would appear on the display according to user preference

to view the image or data.

As per claims 6,14 Nagasaki does not teach automatically changing in response

to the detection of the orientation of the display.

Martinez shows automatically changing in response to the detection of the

orientation of the display (In fig.7 and in col.5 lines. 7-15 tilt determination block change

the orientation of the display). It would have been obvious to one of ordinary skill in the

art, at the time of the invention was made to combined the teaching of Martinez's with

display system of Nagasaki's because it would have changed the data or information on the display without any input from a user to have hand free input operation of the display.

As per claim 18-20, Nagasaki does not teach accelerometer sense accelerations in at least two transverse axes and three axes, Martinez teaches sensor (In Fig.7 element 702 that sense the tilt or orientation and tilt determination element 700 that determined the angle or orientation of the display) that could be in two or three different axes (in col.4 lines 27039 and lines 58-67 with x-z level of altitudes). It would have been obvious to one of ordinary skill in the art, at the time of the invention was made to have incorporated the teaching of Martinez's with teaching of Nagasaki's because it would have sensed the display rotation in different angle and direction with multiple sensors or accelerometers.

As per claim 21, Nagasaki does not teach display and housing including a keyboard hingedly connected to the display. Martinez shows display and housing including a keyboard hingedly connected to the display (in Fig.4a-4d). It would have been obvious to one of ordinary skill in the art, at the time of the invention was made to have incorporated the teaching of Martinez's with Nagasaki's display device it would have provided portability for a computer or PDA device.

Allowable Subject Matter

5.   Claims 22-24 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner statement of reason for allowance:

The prior art fails to teach or suggest the display has a longer and shorter axis and the software changes the way information is displayed between a first orientation where information is displayed along the longer axis and a second orientation which information is displayed along the shorter axis as claimed in claim 22.

Conclusion

6.	Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nitin Patel whose telephone number is 703-308-7024. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin H Shalwala can be reached on 703-305-4938. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NP

February 5, 2005

Amare Mengistu
Primary Examiner